

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NOVOTECH (AUSTRALIA) PTY  
LIMITED, an Australian  
proprietary limited company,

No. 2:22-CV-01259-JAM-AC

Plaintiff,

V.

SURECLINICAL INC., a Nevada corporation

ORDER GRANTING PLAINTIFF  
NOVOTECH'S MOTION TO AMEND THE  
COURT'S ORDER GRANTING DEFENDANT  
SURECLINICAL'S PRELIMINARY  
INJUNCTION AT ECF No. 30

Defendant.

19                   The matter before the Court is Novotech (Australia) Pty  
20 Limited's ("Novotech") motion to clarify and/or amend the Court's  
21 order granting SureClinical Inc.'s ("SureClinical") motion for  
22 preliminary injunction. See Mot. to Clarify and/or Amend the  
23 Court's Order, ECF No. 40, Order, ECF No. 30. The Court does not  
24 require SureClinical to file a response brief to the instant  
25 motion. In response to the pleading, IT IS HEREBY ORDERED that:

26       1. The stay ordered by the Court in its December 5, 2022  
27 order granting SureClinical's preliminary injunction is extended  
28 by thirty days. ECF No. 30. SureClinical may seek further

1 extensions of the stay if the need arises.

2 2. The parties are not required to enter into a non-  
3 disclosure agreement as a pre-condition to Novotech's production  
4 of documents to SureClinical's auditor, Miller Kaplan. Novotech  
5 may not use the lack of a non-disclosure agreement as an excuse  
6 to not produce the documents required by this Order.

7 3. Novotech is required to produce the documents  
8 identified in the July 14, 2022 letter from Miller Kaplan to  
9 Novotech, specifically items one through eleven, within thirty  
10 days of this amended order. Novotech's production should  
11 include, but is not limited to (1) the contracts between Novotech  
12 and the third-party users to whom Novotech granted access to  
13 SureClinical's platform and (2) the associated financial records  
14 related to the third-party usage of SureClinical's platform.

15 4. Novotech is required to fully cooperate with Miller  
16 Kaplan's follow-up requests for information, if any.

17 5. If Novotech cannot produce particular documents  
18 requested by Miller Kaplan by the end of the stay, it must  
19 provide a list of the documents at issue to SureClinical along  
20 with an explanation as to why the documents cannot be produced.  
21 If SureClinical believes that the lack of production is not in  
22 good faith, SureClinical is permitted to file a motion to compel  
23 production to the magistrate judge. The Court notes that  
24 Novotech has already had forty-five days to produce documents to  
25 Miller Kaplan.

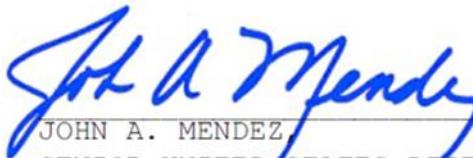
26 6. The hearing calendared for February 28, 2023 is  
27 vacated.

28 7. SureClinical's Motion for Order to Show Cause at ECF

1 No. 33 is DENIED as moot.

2 IT IS SO ORDERED.

3 Dated: January 19, 2023

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6 JOHN A. MENDEZ  
7 SENIOR UNITED STATES DISTRICT JUDGE  
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